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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,078	12/26/2000	Kazuo Nakada	1405.1031 (JDH)	2004

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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/746,078

Applicant(s)

NAKADA, KAZUO

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/14/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Notice to Applicant

1. This communication is response to the application filed 12/26/00. Claims 1-8 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russek (5,319,355) in view of Sloane (5,619,991).

(A) As per claim 1, Russek discloses an intermediary method of life support services which intermediates between customer groups and at least one of the life support service providers (Col.7, lines 11-37; Col.10, lines 46-68), comprising: analyzing said detection result and determining whether or not a customer status is abnormal (Col.8, lines 1-48); and notifying an unusual situation to any of said providers if said customer status is abnormal (Col.9, lines 17-59).

Russek does not explicitly disclose collecting from a customer's house via a network, a detection result that one of predetermined statuses is detected directly or indirectly.

However, this feature is known in the art, as evidenced by Sloane. In particular, Sloane suggests collecting from a customer's house via a network, a detection result that one of predetermined statuses is detected directly or indirectly (See Sloane, Col.2, lines 62-67 to Col.3, line 38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Sloane within the system of Russek with the motivation of providing an e-doc electronic data communications to submit an epidemiological transaction record to an epidemiological database computer facility which collects such records not only from e-doc, but, illustratively, also from hospitals and other institutions, which have medical facilities (See Sloane, Col.2, lines 14-19).

(B) As per claim 2, Russek discloses an intermediary system of life support services which intermediates between customer groups and at least one of the life support service providers (Col.7, lines 11-37; Col.10, lines 46-68), a collection means for collecting detection results from said detection means via the network (Col.8, lines 1-48); a determination means for analyzing the collected detection result and determining whether or not a customer status is abnormal (Col.9, lines 1-59); and a notification means for notifying an unusual situation to any of said providers if said customer status is abnormal (Col.9, lines 17-59).

Russek does not explicitly disclose comprising: a detection means for detecting customer statuses directly or indirectly; a network gateway for being installed in said customer's house and connecting said detection means and a network.

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However, this feature is known in the art, as evidenced by Sloane. In particular, Sloane suggests a detection means for detecting customer statuses directly or indirectly; a network gateway for being installed in said customer's house and connecting said detection means and a network (See Sloane, Col.2, lines 62-67 to Col.3, line 38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Sloane within the system of Russek with the motivation of providing an e-doc electronic data communications to submit an epidemiological transaction record to an epidemiological database computer facility which collects such records not only from e-doc, but, illustratively, also from hospitals and other institutions, which have medical facilities (See Sloane, Col.2, lines 14-19).

(C) As per claim 3, Russek discloses an intermediary device used for life support services for intermediating between customer groups and at least one of the life support service providers (Col.7, lines 11-37; Col.10, lines 46-68), comprising: a customer database for storing customers and life support service providers with which the customers contract (Col.10, lines 1-68); a determination means for analyzing the collected detection results and determines whether or not a customer status is abnormal (Col.8, lines 1-48); and a notification means for notifying an unusual situation to any of said providers if said customer status is abnormal (Col.9, lines 17-59).

Russek does not explicitly disclose a collection means for collecting detection results that predetermined customer statuses are detected via a network.

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However, this feature is known in the art, as evidenced by Sloane. In particular, Sloane suggests a collection means for collecting detection results that predetermined customer statuses are detected via a network (See Sloane, Col.2, lines 62-67 to Col.3, line 38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Sloane within the system of Russek with the motivation of providing an e-doc electronic data communications to submit an epidemiological transaction record to an epidemiological database computer facility which collects such records not only from e-doc, but, illustratively, also from hospitals and other institutions, which have medical facilities (See Sloane, Col.2, lines 14-19).

(D) As per claim 4, Russek discloses an intermediary device used for life support services, wherein said customer database further stores service contents to which customers contract in addition to customers and life support service providers contracting with the customers (Col.10, lines 1-68), and if said custom status is abnormal, the notification means decides whether to notify an unusual situation to said provider by referring to said service contents (Col.8, lines 1-48), and notifies the unusual situation to said provider contracting with the customer in the unusual situation according to said decision (Col.9, lines 17-59).

The motivation for combining the respective teachings of Russek and Sloane are as discussed in the rejection of claims 1, 2 and 3, and incorporated herein.

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(E) As per claim 5, Sloane discloses an intermediary device used for life support services, further comprising: a treatment database for storing conditions of unusual situations and treatments to be performed for an occurred condition (Col.8, lines 1-34); and an on-the-scene administration means for determining treatment to be performed by referring to said treatment database if an unusual situation occurs, and provides a list of said treatments to said life support service provider via a network (Col.8, lines 1-65).

The motivation for combining the respective teachings of Russek and Sloane are as discussed in the rejection of claims 1, 2 and 3, and incorporated herein.

(F) As per claim 6, Sloane discloses an intermediary device used for life support services further having a reception database for storing customers, unusual situations occurred, and treatments against the unusual situations, wherein said on-the-scene administration means receives the selection of a treatment from said treatment list, and writes an unusual situation and selected treatment in said reception database (Col.8, lines 1-65).

The motivation for combining the respective teachings of Russek and Sloane are as discussed in the rejection of claims 1, 2 and 3, and incorporated herein.

(G) As per claim 7, Sloane discloses an intermediary device used for life support services wherein said treatment database hierarchically stores options and treatments to be performed for anticipatory situations, for each situation (Col.7, lines 15-55); said on-the-scene administration means further creates a list of situations which are

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anticipated based on performed treatments, and a list of treatments corresponding to a selected situation based on said treatment database, and notifies said life support service provider via a network (Col.7, lines 40-67 to Col.8, line 34).

The motivation for combining the respective teachings of Russek and Sloane are as discussed in the rejection of claims 1, 2 and 3, and incorporated herein.

(H) Claim 8 differs from claims 1, 2 and 3 by reciting a computer-readable storage medium on which an intermediary program for life support services is recorded for use in an intermediary device which intermediates between customer groups and at least one of the life support service providers, the computer-readable storage medium wherein is recorded an intermediary program for executing.

As per this limitation, it is noted that Russek discloses a step of preparing a customer table which stores customers and life support service providers with which the customers contract (Col.7, lines 11-37; Col.10, lines 46-68); a step of determining whether or not the customer status is abnormal by analyzing the collected detection results (Col.9, lines 1-59); and a step of notifying: based on the customer table, an unusual situation to said providers contracted by the customer in the unusual situation if said customer status is abnormal (Col.9, lines 17-59) and Sloane discloses a step of collecting via a network detection results that predetermined customer statuses are detected (See Sloane, Col.2, lines 62-67 to Col.3, line 38).

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Thus, it is readily apparent that the prior systems utilize a computer-readable storage medium wherein is recorded an intermediary program for executing to perform their specific function.

The remainder of claim 8 is rejected for the same reason given above for claims 1, 2 and 3, and incorporated herein.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches medical communication (5,462,051), method and apparatus for detection of breathing gas interruptions (4550,726) and radiological image interpretation apparatus and method (5,469,353).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

September 2, 2004



ALEXANDER  
PRIMARY EXAMINER